

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
February 25, 2004

[Click on back arrow to return to Main Menu](#)

Mayor David Dermer
Vice-Mayor Jose Smith
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

- PA1 Cert. of Apprec./Members of the Cultural Arts Council. (Dermer)
- PA2 Police Athletic League Appreciation Awards & 45th Anniversary Recognition. (Dermer)
- PA3 Cert. of Apprec./City Staff for Supporting the CMB Service Members while Deployed.
- PA4 Cert. of Apprec./"At Your Service Award" Winners for January & February 2004.
- PA5 Cert. of Apprec./Lebbie Lee, Retiring after 18 Years of Service at MB Police Dept. (Garcia)
- PA6 Cert. of Apprec./City Staff who Serve for Big Brothers Big Sisters of Greater Miami. (Steinberg)
- PA7 **W**-Cert. of Completion/Participants of the City's Neighborhood Leadership Academy.
- PA8 **New Item:** Recognition of Patrol Div. Lieutenants responsible for the Shift Overlap Initiative.

- C2A Issue P.O., Purchase of (22) 2004 Ford Taurus Vehicles, \$427,605.
- C2B Issue P.O., Purchase of (15) 2004 Ford Crown Victoria Police Pursuit Vehicles, \$292,905.
- C2C Award Contract, Provide Spanish Language Translation/Subtitling Services, \$75,000.
- C2D Reject All Bids Pursuant to BA 11-03/04, Vehicle Rental/Lease Services for CMB.

- C4A Ref: Finance & Citywide Projects Committee - Multi-Purpose Space Expansion to MBCC.
- C4B Ref: Neigh./Community Affairs Comm.-Occupational License Tax/Sidewalk Cleanup Ordinances.

- C6A Report: Finance & Citywide Projects Committee Meeting of January 28, 2004.
- C6B Report: Joint Fin. & CWP and Neigh./Community Affairs Committee Mtg. of January 28, 2004.
- C6C Report: G.O. Bond Oversight Committee Meeting of February 2, 2004.
- C6D Report: Land Use & Development Committee Meeting of February 9, 2004.

- C7A Authorize City Manager to Submit Applications for Grant Funds.
- C7B Approve Amendment, Normandy Isle/Normandy Sud ROW Infrastructure Improvement Proj.
- C7C Accept Funds from UNIDAD, Tenant Improvements to 2nd Floor of S. Shore Community Center.
- C7D Reject All Proposals Received, South Pointe Park Improvement Project.
- C7E Elect Commissioner Saul Gross as Vice-Mayor, March 1 - June 30, 2004.
- C7F Extend Professional Services Agreement for Federal Legislative Services.
- C7G Waive Bidding, Execute Agmt w/ Motorola - Maintenance of CAD/FRMS/LRMS Systems.
- C7H Execute Change Order to Agreement w/ Motorola to Incorporate Various Changes.
- C7I Declare Parking Emergency for Vistas Condominium, March 1 - November 30, 2004.
- C7J Adopt/Appropriate 2nd Amendment to Police Confiscated Trust Fund Budget for FY 2003/04.
- C7K Approve Purchase of Large Water Meters, Automatic Meter Reading System & Meter Parts.
- C7L Approve Purchase of American Darling Fire Hydrants.
- C7M Approp. Funds/Award Contract, Glass Block Removal & Window Replacement at Police Station.
- C7N Set 1st Public Hearing, Proposed Development Agmt w/ AR&J SOBE, Llc (5th & Alton) Project.
- C7O Accept Recommendation, Infrastructure Management System for CMB.
- C7P Waive Bidding/Execute Agmt, Provide Building/Trades Inspection & Plan Review Services.

REGULAR AGENDA

R5A 10:30 a.m. 1st Rdg, CCC, Civic & Convention Center District Amendment. 5/7
R5B 2:00 p.m. 2nd Rdg, Designation of the North Beach Resort Historic District. 5/7
R5C 5:01 p.m. 1st Rdg, Amend Goals, Policies & Objectives & FLUM of Comprehensive Plan. 5/7
R5D 5:01 p.m. 1st Rdg, Amend Official Zoning District Map & LDRS. 5/7
R5E 1st Rdg, Establish Revised Standards for Installation of Fences in Multi-Family Districts. 5/7
R5F 1st Rdg, Amendment to the Rooftop Additions in the N. Beach Historic District Ordinance. 5/7
R5G 1st Rdg, Amending the Membership of Board of Adjustment. 5/7

R6A Verbal Report: Neighborhood/Community Affairs Committee Meeting of February 17, 2004.

R7A 10:45 a.m. Waive 5/7th Vote, ADA & Interior Renovations for Jackie Gleason Theater. 5/7
R7B 5:01 p.m. Approve Creation of Restricted Residential Parking Zone for Upper West Avenue.
R7C Approve the City's 2004-2005 Federal Legislative Agenda.
R7D 11:00 a.m. Concession Agreement w/ Penrod Brothers, Inc. 5/7
R7E Approve Schematic Design Concept for Citywide Wayfinding Signage Project.
R7F 5:05 p.m. Settlement Agreement of the Litigation w/ East Coastline Development, LTD.

R9A Board and Committee Appointments.
R9B Disc. Parking Permits for Consulates Stationed in Miami-Dade County. (Cruz)
R9C Disc. & Report re: Effectiveness of Homeless Initiative. (Gross)
R9D Disc. Designate a State Road in CMB as "Miami Beach All America City Boulevard."
R9E 10:00 a.m. Disc. Add Criteria to the City's Human Rights Ordinance. (Garcia)
R9F 2:30 p.m. Disc. Club Madonna. (Cruz)
R9G Disc. Designating Miami Beach as a National Heritage City. (Cruz)
R9H 3:00 p.m. Disc. Reso: Oppose Senate Bill which Weakens the Kidcare Program. (Steinberg)
R9I Disc. Implement Trust Fund for the Late Joseph Johnson's Family. (Garcia)

R10A Noon Break, Executive Session: West Side Partners, Ltd. / East Coastline Dev. Ltd. vs. CMB.
R10B Noon Break, Executive Session: Da Mortgage, Inc. / 136 Collins Avenue L.C. vs. CMB.

REPORTS AND INFORMATIONAL ITEMS

A City Attorney's Status Report.
B Parking Status Report.
C1 Miami-Dade County Homeless Trust Board Meeting of 1/23/04 Minutes. (Steinberg)
C2 PACT Construction Committee Meeting of 1/14/04 Minutes. (Bower)
C3 Tourism Development Council Panel Meeting of 11/13/03 Minutes. (Bower)

Visit us on the Internet at **www.miamibeachfl.gov** for agendas and video "streaming" of City Commission Meetings.

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Meeting called to order at 9:25:16 a.m.
Invocation given by Dr. Annette Jones from St. John's United Methodist Church.
Pledge of Allegiance led by Chief Don De Lucca.

Times based on the digital recording in the City Clerk's Office

Addendum items: C2D, C7O and C7P.

ACTION: Motion made by Commissioner Bower to add Addendum items C2D, C7O, and C7P as emergency items to the agenda; seconded by Vice-Mayor Smith; Voice vote: 6-0; Absent: Commissioner Gross.

Supplemental Materials:

C7B – Resolution

R5C – Additional Material

R5D - Additional Material

PA - Presentations and Awards**9:27:39 a.m.**

PA1 Certificates Of Appreciation To Be Presented To Steve Sauls, Roland Kohen, Diane Heller, Pauline Winick, Clark Reynolds And Kathryn Orosz For Their Many Years Of Dedication To The Cultural Arts Council.

(Requested by Mayor David Dermer)

(Deferred from February 4, 2004)

ACTION: Certificates presented.

Pauline Winick, Steve Sauls, Diane Heller, Dr. Roland Kohen, and Kathryn Orosz spoke.

9:40:54 a.m.

PA2 Police Athletic League Appreciation Awards And 45th Anniversary Recognition.

(Requested By Mayor David Dermer)

ACTION: Awards presented to Joey Daoud, Maria Cruz, Silvia Vezzoso and Lori Freedline, Volunteer of the Year-State of Florida.

Alkareem Azim, Police Athletic League (PAL) Director, spoke.

Joey Daoud spoke

Maria Cruz, Lori Freedline, and Silvia Vezzoso spoke.

Kenneth Stowe, President of PAL, encouraged everyone to purchase PAL tags.

Bernie Weiner stated that PAL received technology grants; one for \$30,000 by Dell Computers (22 computers were just purchased); and \$60,000 from the Department of Justice International Children Latinos Institute to teach Hispanic families nutritious eating habits.

10:09:58 a.m.

PA3 Certificate Of Appreciation To Be Presented By SFC Steve Foren To Jorge M. Gonzalez And Special Personal Recognition To The Mayor And Commission, Mercy Lamazares, Vashanna McIntosh-Moorer And Jorge Gomez For Their Support Of CMB Service Members While Deployed.

(Planning Department)

ACTION: Certificate presented.

Steve Foren, Senior Planner and a Sergeant in the Army Reserve, who was called to serve for eleven months in the United States, thanked the City Commission, Mayor Dermer and the City Manager, for starting a program which assisted service members financially by matching the difference between their military pay and City pay. He presented the Certificates to "The Employer for the Support of the Guard and the Reserve" to Jorge Gomez, Planning Director, and Jorge Gonzalez, City Manager, on behalf of the Department of Defense and the Army Reserve. He also presented Mayor Dermer, Jorge Gonzalez, City Manager, and Vashanna McIntosh-Moorer, Human Resources, with a "Coin of Achievement" given by the military to service members as a token of appreciation for a job well done.

Mayor Dermer thanked Steve Foren and all the service members on duty.

10:02:38 a.m.

PA4 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service Award" Winners For January And February 2004.
(City Manager's Office)

ACTION: Certificates presented to Keith Valles, Central Service/City Clerk's Office, for the month of January 2004, and Nick D'Amato, Code Compliance/Neighborhood Services, for the month of February 2004.

Robert Parcher, City Clerk, spoke on behalf of Mr. Valles.

Vivian Guzman, Neighborhood Services Department Director, spoke on behalf of Mr. D'Amato.

10:00:16 a.m.

PA5 Certificate Of Appreciation To Be Presented To Lebbie Lee For Retiring After 18 Years Of Service At The Miami Beach Police Department.
(Requested by Commissioner Luis R. Garcia)

ACTION: Certificate presented.

Commissioner Garcia stated that Ms. Lee managed the Fire Department Dispatching Office when it was a one-person operation; later in her career, she became a supervisor for the dispatchers. He added that she is one of the most dedicated employees he has worked with.

Lebbie Lee stated that she has enjoyed working for the City and that the City and its employees will always be in her heart.

9:35:22 a.m.

PA6 Certificate Of Appreciation To Be Presented To Members Of City's Staff Who Serve As "BIGS" For Big Brothers Big Sisters Of Greater Miami.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Certificates presented to members of the City's staff who serve as "BIGS" for Big Brothers Big Sisters of Greater Miami: Vivian Guzman, Lisa Dixon, Julian Fernandez, Richard Zuech, Carla Dixon, Maria Ruiz, Barbara Hawayek, Jeri Goodkin-Ludovico, Fritza "Dominique" Diambois and Sean Calpini.

Commissioner Steinberg thanked Commissioner Bower for her idea to honor the City staff participating in Big Brothers and Big Sisters.

Lilia Munez, from Big Brothers and Big Sisters of Greater Miami, spoke.

9:54:32 a.m.

PA7 Certificates Of Completion To Be Presented To The Participants Of The City's Neighborhood Leadership Academy.

(City Manager's Office)

ACTION: Certificates presented to Vera Azenha, Mark Barnett, Rhoda Barnett, Ana Cordero, Marcia Cunningham, Fritza "Dominique" Diambois, Ines Flax, Solomon Genet, Christopher Gates, Tony Giulino, Sage Hoffman, Bertha Hundevadt, Clotilde Luce, Paul Markowitz, Jon Renaud, Kirk Paskal, Dave Patlak, Tatiana Packet, Richard Weiner, Alexander Wilmerding and Ruth Remington.

Gabrielle Redfern, Chair of the Neighborhood Leadership Academy Alumni Association, congratulated the new graduates of the Leadership Academy on behalf of the past graduates and invited them to participate in the program to make this a better community.

Jorge Gonzalez, City Manager, explained that these 12-week classes, free and open to residents, represent an opportunity to educate and develop leadership in the community. This is the fourth graduating class, and students learn every aspect of city government in hopes of having a more educated and informed group of residents upon graduation. These graduates are our future leaders.

Commissioner Bower proposed expanding the Leadership Academy to include offering classes to newly immigrants in Spanish, to give them a chance to learn about their government, and suggested publishing a story in the Spanish newspapers. **Vivian Guzman to handle.**

New Item:**9:49:29 a.m.**

PA8 Recognition of Patrol Division Lieutenants responsible for the Shift Overlap Initiative. James Cummings, John Bambis, Larry Hankoff, Bill Riley, Chris Dee, Carlos Devarona, Lori Wieder, Chuck Weaver and Pete Ditume.

(City Manager's Office)

ACTION: Jorge Gonzalez, City Manager, stated that during the budget process, the City Commission suggested to increase programs enhancing the quality of life and particularly some of the homeless issues. These individuals came up with ways of identifying areas such as the criminal elements, aggressive driving, aggressive panhandling, and other areas which were starting to erode the quality of life in different areas of the City. This task is only done for three hours a day and the rest of the day they conduct their regular duties. This program is changing behavior in the community and improving the quality of life of the residents.

Police Chief De Lucca stated that these officers have made a difference and the City appreciates their effort.

Handout or Reference Materials

1. Memorandum from Donald W. De Lucca, Chief of Police, to Jorge M. Gonzalez, City Manager, dated February 20, 2004, RE: Patrol Division Lieutenants – Shift Overlap Results

CONSENT AGENDA

ACTION: Motion made by Vice-Mayor Smith to approve the Consent Agenda; seconded by Commissioner Garcia; Voice vote: 7-0.

C2 - Competitive Bid Reports

C2A Request For Approval To Issue Purchase Orders Pursuant To Florida State Contract No. 03-11-0825,

Prepared by the City Clerk's Office

Page No. 5

C:\Documents and Settings\compgarj\Local Settings\Temporary Internet Files\OLK87\aa040225.doc

To Duval Ford, In The Amount Of \$427,605, For The Purchase Of Twenty-Two (22) 2004 Ford Taurus Vehicles, Two (2) 2004 Ford Explorer 4x4 Vehicles, Three (3) 2004 Ford F-150 4x2 Pick Up Trucks, One (1) 2004 Ford E-250 Cargo Van And One (1) Ford E-150 Cargo Van; To Garber Chevrolet, In The Amount Of \$62,805.75, For The Purchase Of Five (5) 2004 Chevrolet Cavaliers; To Garber Ford, In The Amount Of \$13,635.15, For The Purchase Of One (1) 2004 Ford Ranger 4x2 Pick Up Truck; And To Atlantic Truck Center, In The Amount Of \$98,196, For The Purchase Of One (1) 2004 Ford F-750 Asphalt Truck.

(Fleet Management)

ACTION: Award approved. Gus Lopez to issue Purchase Order. Drew Terpak to handle.

- C2B Request For Approval To Issue A Purchase Order To Duval Ford, In The Amount Of \$292,905, For The Purchase Of Fifteen (15) 2004 Ford Crown Victoria Police Pursuit Vehicles Pursuant To Florida State Contract No. 03-11-0825.

(Fleet Management)

ACTION: Award approved. Gus Lopez to issue Purchase Order. Drew Terpak to handle.

- C2C Request For Approval To Award A Contract To TM Systems, LLC., As The Sole Source Provider For Spanish Language Translation And Subtitling Services At An Estimated Cost Of \$75,000 For The Remainder Of FY 2003/04.

(City Clerk's Office)

ACTION: Award approved. R. Parcher to handle.

10:21:14 a.m.

4:23:06 p.m.

Addendum Item:

- C2D Request For Approval To Reject All Bids Pursuant To Invitation To Bid No. 11-03/04 For Vehicle Rental/Lease Services For The City Of Miami Beach.

(Procurement)

ACTION: Item separated for discussion by Commissioner Bower. Motion made by Commissioner Steinberg; seconded by Vice-Mayor Smith; Voice vote: 6-1; Absent: Commissioner Garcia. Bids rejected. Gus Lopez to notify the bidders and restructure the bid using a weighted-average before re-issuing and to look at the possibility of awarding more than one bidder.

Commissioner Bower asked that the Administration explain why the bids are being rejected.

Jorge Gonzalez, City Manager, explained that the way the bid request was drafted, it included a number of vehicles, and in the best interest of the City the Administration is suggesting to reject all bids and bid for each vehicle instead of aggregating all types. The item was deferred until the afternoon so that the estimated saving can be calculated.

Commissioner Steinberg asked that the Administration look at splitting the bid.

4:23:04 p.m.

Jorge Gonzalez, City Manager, stated that earlier in the meeting the Administration was asked to calculate the potential saving of rejecting the bids and re-bidding. The difference between the lowest bidder (Acme Auto Leasing), which was deemed non-responsive because of the mileage criteria, and the next lowest bidder (Royal Rent A Car) over the four years of the contract is \$110,000. The difference between Royal Rent A Car and Enterprise Leasing is \$33,000 over the four years. He suggested the

bids be rejected.

Handout or Reference Materials

1. Letter from Jorge Gonzalez, City Manager, to Stuart Williams, Enterprise Rent-A-Car dated February 24, 2004, RE: Protest Letter RE: Bid No. 11-03/04 – Vehicle Rental/Lease Services for the City of Miami Beach

C4 - Commission Committee Assignments

- C4A Referral To The Finance And Citywide Projects Committee - Discussion Regarding A Proposed Multi-Purpose Space Expansion To The Miami Beach Convention Center.
(City Manager's Office)

ACTION: Item referred. Patricia Walker to place on the agenda. Christina Cuervo to handle.

Handout or Reference Materials

1. 11 x 17 document titled: Miami Beach Ballroom Study, dated February 20, 2004 prepared by tvs. Color renderings of site and program, ground floor, second floor, and sections.

- C4B Referral To The Neighborhood / Community Affairs Committee The Following Ordinances: 1) An Ordinance Amending Chapter 102 Of The City Code, Entitled "Taxation"; Amending Division IV Therein, Entitled "Tax"; Amending Article V Therein, Entitled "Occupational License Tax"; Amending Section 102-379 Therein, Entitled "Schedule Of Taxes"; Said Amendment Providing For A Five Percent Discount Toward A Subsequent Year's Occupational License If The Licensee Receives No Code Violations During The Previous Year; And 2) An Ordinance Amending Section 98-166 Of The City Code, Entitled "Duty To Maintain Sidewalks And Swale Areas" By Providing A Minimum Standard Of Sidewalk Maintenance By Every Merchant, Store Keeper Or Operator Of A Business; Said Standard Being To Sweep The Sidewalk At The Opening And Close Of The Business Day.
(City Manager's Office)

ACTION: Item referred. Vivian Guzman to place on the agenda. Robert Middaugh to handle.

C6 - Commission Committee Reports

- C6A Report Of The Finance And Citywide Projects Committee Meeting January 28, 2004: 1) Select Committee Chair and Vice-chair; 1) 2) Discussion Regarding The Proposed Amendments To The Beachfront Concession Agreement By And Between The City And Boucher Brothers, Miami Beach, LLC; 2) 3) Discussion Regarding Community Benefit Revisions For The Jackie Gleason Theater Of Performing Arts (TOPA); 3) 4) Discussion Of The Results Of Negotiations With Market Company, Inc.: a. Fees For Vendor/Merchant Spaces; b. Off-Duty Police; c. Fee/Concession Revenue; And 4) 5) Discussion Regarding Old City Hall Structural Repairs.

ACTION:**Item 1**

Chairperson and Vice-Chairperson Selection. The Committee unanimously selected Vice-Mayor Jose Smith as Chairperson and Commissioner Richard Steinberg as Vice-Chairperson.

Item 2

Item Deferred.

Item 3

No action necessary. Status update was given by Christina Cuervo, Assistant City Manager, and Jackie Gleason Theater Of Performing Arts (TOPA) General Manager; Doug Tober.

Item 4

The Committee referred the item to the full Commission for action.

City Clerk's note: Espanola Way Street Market Term Sheet included with the item.

Item 5

The Committee instructed the Administration to fund the approximately \$45,000 necessary to complete construction documents. The Committee instructed the Administration to find funding for Old City Hall.

Patricia Walker to handle.

- C6B Report Of The Joint Finance & Citywide Projects And Neighborhood/Community Affairs Committee On January 28, 2004: **1) A Presentation And Discussion Of The Basis Of Design Report For Phase II Of The South Point Neighborhood Right Of Way Improvement Project.**

ACTION:

The Committee referred the item to the full Commission for action.

Handout or Reference Material

1. Letter from Ward Wilson and Gilbert Zriny to the Mayor and City Commission, Jorge Gonzalez, City Manager, Christina Cuervo, Assistant RDA Director, and Robert Parcher, City Clerk, dated February 23, 2004, RE: Regular Agenda Item Numbers R6B and R7A of the February 4, 2004 Commission Meeting

City Clerk's Note: See item 2/4/2004 – R7A

C6C Report Of The General Obligation Bond Oversight Committee Meeting Of February 2, 2004: **1)** Change Order Report; **2)** Discussion Items; a) Project Sequencing Update; **3)** Project Status Report: a) Fire Station No. 2; b) Fire Station No. 4; c) Normandy Isle Park And Pool; d) Scott Rakow Youth Center; **4)** Informational Items: a) Updated Calendar Of Scheduled Community Meetings; And **5)** Additional Item: a) Normandy Isle/Normandy SUD A/E Additional Services.

ACTION:

Item 1

The Administration informed the Committee of the new change orders had been approved. A list of those change orders is attached as "Exhibit A".

Item 2

The Administration presented the Committee with a comprehensive report describing the changes in the project sequencing timelines for the GO Bond funded projects managed by the CIP Office since the report was last seen by the Committee (August 2002). The Committee reviewed the report and thanked the Administration for the opportunity to review how things had changed.

Item 3A

The Administration informed the Committee that construction was preceding on schedule for Phase I of the **Fire Station No. 2** project (water tanks portion). It was estimated that Jasco, the contractor, would be issued a Notice to Proceed for Phase II, the Fire Station portion of the project, by the end of February 2004, with construction anticipated to start in April or May, after the completion of Phase I.

Item 3B

The Committee was told that the schedule for the **Fire Station No. 4** project has slipped. The construction documents were reviewed by the City Building Department. The consultant is making revisions based on the comments received, and will resubmit the documents for permitting. Once a permit is issued, the project will be put out to bid for construction. The Administration hopes to have the project out for bids in March of 2004, with construction to start in May or June.

Item 3C

The Administration informed the Committee that the compliance issues for the **Normandy Isle Park and Pool** project have been addressed, and the design issues were also resolved. The contractor estimates construction could not be completed before August of 2004. The City is reviewing that schedule and the options available under the contract.

Item 3D

The Administration informed the Committee that the **North Shore Park and Youth Center** project should be completed soon. The contractor is estimating completion by the end of February, where as the staff is estimating completion by the middle to end of March. There is work in all three phases (tennis center, ball fields and youth center) that still needs to be completed, some of which was originally rejected.

Item 4

The updated calendar of community meetings was presented to the Committee, but not reviewed during the meeting.

Item 5

The Administration asked the Committee to consider adding an item to the agenda regarding awarding additional services in the amount of \$30,500 to Tetra Tech WHS, formerly known as Williams, Hatfield and Stoner, the A/E for the **Normandy Isle/Normandy Sud Right-of-Way (ROW) Infrastructure Improvement Project**. The Additional Services would be 1) to redesign the lighting system for the neighborhood, pursuant to a new standard created for the residential neighborhoods, 2) to perform a planning study related to hardscape and landscape revisions arising from the Community rejecting a proposed guard house; and 3) for the administration, specifications and reimbursable expenses related

to the additional scope. The Committee agreed to add the item to the agenda.

The Committee held a discussion regarding the new lighting standard for residential areas. The standard would call for a reduction in the brightness of the light used in each light fixture, but would allow for additional light fixtures in the neighborhood. The Administration informed the Committee that this standard was already incorporated into the other neighborhoods, with the exception of the Orchard Park part of the Nautilus Neighborhood, but due to the timing of when the Basis of Design Report (BODR) was approved for the Normandy Isle/Normandy Sud neighborhood, it had not been incorporated yet.

The Administration informed the Committee that there would be savings from implementing the revised standard, and that those funds would pay for the additional services, as well as additional lighting fixtures and other improvements the community expressed desire to have implemented. The Administration informed the Committee that the community was in agreement with the revisions, based on the input received at the Community Design Review Meeting (CDRM) held on October 21, 2003.

The Committee's discussion focused on the lighting standard. Concern was expressed that the existing lighting condition was not sufficient, the belief that the proposed lighting under the old standard would still be insufficient, which would be further affected negatively by a reduction in the standard. The Committee voted to table the item until the next Committee meeting and have the Administration return to the community to be sure the community understood the new lighting standard.

Further discussion was held. The Administration clarified what the new standard entailed. The old standard of 1 foot candle would provide the amount of light similar to that in front of the City of Miami Beach Police Station, which is very bright for a residential area. The revised standard of .6 foot candle is more appropriate for a residential area. The Committee voted to reconsider its previous vote. The Committee then voted to recommend that the City Commission approve additional services in the amount of \$30,500 for Tetra-Tech WHS.

- C6D Report Of The Land Use And Development Committee Meeting Of February 9, 2004: **1)** Selection Of Chairperson And Vice-Chairperson Per Resolution No. 2003-25446; And **2)** Discussion On Lincoln Road Street End Project.

ACTION:

Item 1

Motion: Commissioner Gross nominated Commissioner Garcia as Chair of the Land Use and Development Committee. There being no other nominations, Commissioner Garcia was elected by acclamation.

Item 2

Motion: to discuss this issue further with the full Commission. Bower/Garcia (3-0).

C7 – Resolutions

10:16:50 a.m.

- C7A A Resolution Authorizing The City Manager Or His Designee To Submit Applications For Grant Funds To The Following Agencies: **1)** Florida Department Of Community Affairs, Division Of Emergency Management For Grant Funds In An Amount Not To Exceed \$13,000 Made Available Through The 2004-2005 Community Emergency Response Team Program; **2)** Florida Department Of Community Affairs Made Available Through The United States Department Of Justice Operation Liberty Shield Reimbursement Grant Fund Program In An Amount Not To Exceed \$75,000; And **3)** Two Applications To The Florida Department Of Community Affairs, Division Of Emergency Management, For Funds Available From The Emergency Management And Assistance Trust Fund; Also Authorizing The Execution Of A Subcontract Agreement Between The City Of Miami Beach And The Florida International University Board Of Trustees For Grant Funding From The U.S. Department Of Housing And Urban Development In The Amount Of \$319,714 For The North Shore Park And Youth Center Renovation Project; Further Appropriating The Aforestated Grants If Approved And Accepted By The City, And Authorizing The Execution Of All Necessary Documents Related To These Applications.
(Page 56)

(Grants Management)

ACTION: Item separated for discussion by Vice-Mayor Smith. Resolution No. 2004-25487 adopted. Motion made by Vice-Mayor Smith; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz. Judy Hoanshelt to submit grant applications. Patricia Walker to appropriate the funds if awarded and accepted by the City. Martha Dempsey to handle.

Vice-Mayor Smith stated that the Administration was able to convince Florida International University to utilize part of a HUD grant they received for \$319,000 to complete renovations to North Shore Park, consistent with the City's efforts to renovate all parks in the City. The City has focused in completing the Youth Center at North Shore Park and very little has been said about the ball fields, the tot lot and other facilities at North Shore Park. He requested the Administration to allow the City Commission's input as to what goes into the park, identify what is needed to complete the ball fields and when the time comes to spend these funds. He spent many years playing and coaching at this park and wants to have input. He stated that the improvements made, as well as the proposed improvements, need to be reviewed to make sure they are consistent to what the users will need. He noticed that trees have been planted in left field, and it is dangerous to have trees planted where the players will be running.

Jorge Gonzalez, City Manager, thanked the City Commission for the compliment on acquiring the grant, and explained that the key person who should be recognized is Alex Rodriguez-Roig from the Boys and Girls Club of South Florida. He explained that originally the grant went to the Boys and Girls Club of South Florida to be used at Flamingo Park, and when it was discovered that the City could not do

anything with these funds, Alex Rodriguez-Roig put the Administration in touch with Florida International University so that the City could use these funds. He commended Alex for making the City aware of the award and for being very helpful and supportive.

Supplemental Material: Resolution

- C7B A Resolution Approving Amendment No. 2, In The Amount Of \$30,500, To The Agreement, Dated July 18, 2001, With Tetra-Tech WHS, Formerly Known As Williams, Hatfield And Stoner, A/E Consultant For The Normandy Isle/Normandy Sud Right Of Way (ROW) Infrastructure Improvement Project, For The Re-Design Of The Lighting System (Per New City Standards), A Planning Study Related To Hardscape And Landscape Revisions Arising From The Community Design Review Meeting, And For Administration, Specifications And Reimbursables Associated With The Additional Scope Of Work; All As More Particularly Described In Exhibit "A," The Fee Detail, And Exhibit "B," The Geographic Area, Of The Additional Services Referenced In Said Amendment No. 2.
(Capital Improvement Projects)

ACTION: Resolution No. 2004-25488 adopted. Tim Hemstreet to handle.

- C7C A Resolution Accepting The Funding Contribution From UNIDAD Of Miami Beach, Inc., D/B/A MBHCC, (The Tenant), In The Amount Of \$150,135.28 For Its Share Of The Tenant Improvements To The Second Floor Space Of The South Shore Community Center; And Further Appropriating Said Funds For The Project.

(Capital Improvement Projects)

ACTION: Resolution No. 2004-25489 adopted. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

- C7D A Resolution Rejecting All Proposals Received In Response To Request For Qualifications (RFQ) 16-02/03 For The Planning, Design, And Construction Administration Services Needed To Complete The South Pointe Park Improvement Project.

(Capital Improvement Projects)

ACTION: Resolution No. 2004-25490 adopted. Gus Lopez to notify bidders. Tim Hemstreet to handle.

Handout or Reference Materials

1. Letter from Kirk Olney, Glatting Jackson Kercher Anglin Lopez Rinehart to Robert Parcher, City Clerk, dated February 23, 2004, RE: RFQ 16-02/03 Planning, Design and Construction Administration Services for the South Pointe Park Improvement Project

- C7E A Resolution Electing Commissioner Saul Gross As Vice-Mayor For A Term Commencing On March 1, 2004, And Terminating On June 30, 2004, Or On Such Date When A New Vice-Mayor Is Thereafter Elected.

(City Clerk's Office)

ACTION: Resolution No. 2004-25491 adopted. Robert Parcher to handle.

- C7F A Resolution Extending The Professional Services Agreement For Federal Legislative Services With The Firm Of Jorden, Burt, Berenson, And Johnson LLP, In The Total Amount Of \$90,000, To Provide Governmental Representation And Consulting Services In Washington, D.C., On An Ongoing Basis, For The Period From February 19, 2004, Until February 18, 2005.
(Economic Development)

ACTION: Resolution No. 2004-25492 adopted as amended. Christina Cuervo to handle.

Amendment:

Six whereas statement: February 26, 2004 should be February 26, 2003

- C7G A Resolution Waiving, By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The Mayor And City Clerk To Execute An Agreement With Motorola, Inc., In The Amount Of \$84,875, For A Seven (7) Month Period From March 1, 2004, Through September 30, 2004, For Maintenance Of The Computer Aided Dispatch System (CAD); Said Agreement Renewable For Four (4) Additional One Year Terms, At A Cost Of \$189,901 For The First Option Year (Year 2), Which Will Also Include Seven (7) Months Of Maintenance Fees For The Fire Records Maintenance System (FRMS) And Law Records Maintenance System (LRMS); Provided Further That Maintenance Costs For All Three Systems (CAD, FRMS, LRMS) For The Second Option Year (Year 3) Are Estimated At \$226,236, With Subsequent 3% Per Year Increases.
(Information Technology)

ACTION: Resolution No. 2004-25493 adopted. Kay Randall to handle.

- C7H A Resolution Authorizing The Mayor And City Clerk To Execute A Change Order To The Communications System Agreement Between Motorola, Inc. And The City Of Miami Beach, Approved By The City Commission On April 30, 2003; Said Change Order, In The Amount Of \$521,159, Incorporating The Following Changes: Deletion Of The 75th Street Reservoir Tower As An Antenna Site And The Equipment Thereto; Deletion And Removal Of The Fire Station No. 2 Tower And Equipment; And Adding Antennas, Shelters And Equipment At The Parkview Point And The Council Towers Buildings Respectively; And Making Required Changes To The Microwave System.
(Information Technology)

ACTION: Resolution No. 2004-25494 adopted. Kay Randall to handle.

- C7I A Resolution Approving And Declaring The Existence Of A Short-Term Parking Emergency Created As A Result Of The Vistas Condominium Parking Garage Renovation, Located At One Century Lane, From March 1, 2004, Through November 30, 2004, Due To Anticipated Increased Traffic And Parking Demand Caused As A Result Of The Renovation; Allowing For The Provision Of The Vacant Lot Located At 1231-1251 17th Street, Owned By The Housing Authority, To Be Utilized To Satisfy Said Increased Demand; Provided That The City Shall Further Require Parking Operators To Secure The Appropriate Security, Insurance And Occupational Licenses Required By The City Code To Operate Self-Parking Operations For The Purposes Set Forth In This Resolution.
(Parking Department)

ACTION: Resolution No. 2004-25495 adopted as amended. Saul Frances to handle.

Jorge Gonzalez, City Manager, announced the following amendment:

No parallel parking will be allowed on Venetian Causeway.

- C7J A Resolution Adopting And Appropriating The Second Amendment To The Police Confiscation Trust Fund Budget For The Fiscal Year 2003/04 In The Amount Of \$232,650 To Be Funded From The Proceeds Of Federal-Justice Confiscated Funds.
(Police Department)

ACTION: Resolution No. 2004-25496 adopted. Patricia Walker to appropriate the funds. Chief De Lucca to handle.

- C7K A Resolution Approving The Sole Source Purchase Of Manifold Assemblies Needed For The City's Large Water Meters From Sensus Metering Systems, In The Estimated Amount Of \$45,000, And The

Sole Source Purchase Of Water Meters And Automatic Meter Reading Systems Needed For The City's Large Meters And Meter Parts From Sensus Metering Systems, In The Estimated Annual Amount Of \$200,000.

(Public Works)

ACTION: Resolution No. 2004-25497 adopted. Fred Beckmann to handle.

C7L A Resolution Approving The Sole Source Purchase Of American Darling Fire Hydrants From American Flow Control, In The Estimated Annual Amount Of \$60,000.

(Public Works)

ACTION: Resolution No. 2004-25498 adopted. Fred Beckmann to handle.

C7M A Resolution Appropriating Funds In The Amount Of \$210,000 From The FY 04 General Fund Operating Contingency, And Awarding A Contract To Sunryse Construction Services, Inc., Pursuant To Invitation To Bid No. 07-03/04, Glass Block Removal And Window Replacement At The Miami Beach Police Station In The Amount Of \$155,000.

(Public Works)

ACTION: Resolution No. 2004-25499 adopted. Patricia Walker to appropriate the funds. Fred Beckmann to handle.

C7N A Resolution Setting The First Public Hearing, In Accordance With The Requirements Of Sections 163.3220 - 163.3243, Florida Statutes, Also Referred To As The Florida Local Government Development Agreement Act, On Wednesday, March 17, 2004, To Consider Approving, On First Reading, A Proposed Development Agreement Between The City Of Miami Beach And AR&J SOBE, LLC (a/k/a Potamkin/Berkowitz) For The Development Of The Project, Presently Referred To As "5th And Alton," Containing Approximately 179,000 Square Feet Of Retail Area And A Supermarket And An Approximate 943 Space Parking Garage Facility, Including An Intermodal/Transportation Component, An Integrated Parking Garage, Vertical Transportation, Ramps, Ventilation, Etc., And Surrounding Streetscape And Public Infrastructure To Serve The Project, Bounded By Lenox Avenue On East, Alton Road On West, 6th Street On North And 5th Street On The South, In Miami Beach.

(City Manager's Office)

ACTION: Resolution No. 2004-25500 adopted. First Reading Public Hearing scheduled for March 17, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Christina Cuervo to handle.

Addendum Item:

C7O A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Proposals (RFP) No. 64-02/03 For Infrastructure Management System (IMS) For The City Of Miami Beach; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of Camp Dresser And McKee (CDM), And Should The Administration Not Be Able To Negotiate An Agreement With The Top Ranked Firm; Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Woolpert LLP.

(Public Works)

ACTION: Resolution No. 2004-25501 adopted. Fred Beckmann to handle.

Handout or Reference Materials

1. Letter from Jorge Gonzalez, City Manager to Thomas Murphy, Woolpert LLP, dated February 24, 2004, RE: Request for Proposals (RFP) No. 64-02/03 – Infrastructure Management Systems (IMS) from the City of Miami Beach

Addendum Item:

C7P A Resolution, Waiving, By 5/7ths Vote, The Competitive Bidding Requirements, Finding Such Waiver To Be In The Best Interest Of The City, And Authorizing The Mayor And City Clerk To Execute An Agreement With Mt. Causley, Inc. For Providing Building And Trades Inspection And Plan Review Services, As Outlined In The Florida Building Code And As Outlined In The Agreement, On An As-Needed Basis, Until Such Time That The Current Vacancies In The Building Department Are Filled, And Inspection And Plan Review Services Can Be Completely Provided By The City Staff.
(Building Department)

ACTION: Resolution No. 2004-25502 adopted. Phil Azan to handle.

REGULAR AGENDA**R5 - Ordinances****10:32:50 am.**

R5A An Ordinance Amending Chapter 142 "Land Development Regulations" Of The City Code, Division 7, "CCC, Civic And Convention Center District," In Order To Allow Waivers Of Development Regulations By A Five-Sevenths Vote Of The City Commission For Developments Pertaining To Government-Owned Or Leased Buildings, Uses And Sites Which Are Wholly Used By, Open And Accessible To The General Public, Or Used By Not-For-Profit, Educational, Or Cultural Organizations, Or For Convention Center Hotels, Or Convention Center Hotel Accessory Garages, Or City Utilized Parking Lots, Provided They Are Continually Used For Such Purposes; And To Amend The Public Notice Requirements For Such Waivers, Providing For Codification, Repealer, Severability And Effective Date. **10:30 a.m. First Reading, Public Hearing**

(Planning Department)

(Second Reading, Public Hearing on January 14, 2004)

ACTION: Public Hearing held. Ordinance approved on First Reading and referred to the Finance and Citywide Projects Committee. Motion made by Commissioner Gross; seconded by Vice-Mayor Smith; Ballot vote: 5-2; Opposed: Commissioners Bower and Steinberg. Second Reading and second Public Hearing scheduled for April 14, 2004. R. Parcher to notice. Patricia Walker to place on the committee agenda. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Commissioner Steinberg articulated why he voted against the proposed ordinance the first time (January 14, 2004).

Commissioner Gross explained why he believes this action is necessary. He agreed with Commissioner Steinberg that the ballroom facility should be located on the P-lot together with the parking that was promised to the public. He stated that the Administration is considering shifting the parking to the lot across the street from City Hall and he intends to vote against it because that is not what was promised to the public.

Commissioner Steinberg stated that the Planning Board's recommendation is to waive the parking requirements for the New World Symphony (NWS) and this ordinance allows for the waiving of parking requirements in this area.

Commissioner Gross stated that he would limit the ordinance to cover just the NWS.

Mayor Dermer asked if the ordinance could be limited to just the NWS.

Jorge Gomez, Planning Director, stated that there are limitations, but not just for the NWS.

Mayor Dermer asked if this is the only method which can be used to waive the parking requirements.

Murray Dubbin, City Attorney, stated that the area has already been provided to the ballet (NWS). He stated that he believes language can be prepared which will tailor, not solve the concerns, but to narrow down the concerns and restrict them. It could be passed on first reading and this issue corrected for the second reading. Legal Department to look into making the waiver site specific. **Legal Department to handle.**

Commissioner Bower asked what this legislation accomplishes.

Jorge Gonzalez, City Manager, stated that the waiver is more of a financial issue than a land use issue. The waiver is for the parking bond covenant. He explained that the City issues tax exempt bonds for the Parking System. The bonds allow for a percentage of private activity in the System.

Patricia Walker, Chief Financial Officer, stated that Luis Reiter, Bond Counsel, has advised that the City needs to make sure that in the provision of parking and the parking garage, this would be meeting the NWS parking requirement, which means that the financing for that portion of the garage would need to be on a taxable basis.

Commissioner Gross stated that it needs to be made clear that the City is not waiving any parking requirement. This ordinance is to make sure the financing on the bonds to build the parking garage can be non-taxable.

Commissioner Steinberg stated that if funds other than bond funds are used to finance the project then the bond covenant is no longer a concern.

Mayor Dermer stated that the discussion has become very technical and suggested that to answer some of the technical questions, and if the Commission is going to approve on first reading, to refer the technical discussion to the Finance and Citywide Projects Committee.

Vice-Mayor Smith stated that in an effort to review all of the options at the Finance and Citywide Project Committee meeting, to investigate if the waiver can be person, company or site specific.

Minnette Benson spoke.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

2:46:34 p.m.

R5B An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; Amending Section 118-593, "Historic Preservation Designation"; Amending Section 118-593(E), "Delineation On Zoning Map"; Amending Section 118-593(E)(2), "Historic Preservation Districts (HPD)" By Designating The North Beach Resort Historic District, Consisting Of A Certain Area Which Is Generally Bounded By The Southern Lot Lines Of 6084 Collins Avenue, 6261 Collins Avenue, And 210-63rd Street To The South, The Center Line Of 71st Street To The North, The Center Line Of Collins Avenue And The Western Lot Lines Of Certain Properties Fronting On Collins Avenue To The West (Including 6084 Collins Avenue And 6300 Collins Avenue), And The Erosion Control Line Of The Atlantic Ocean To The East (Excluding 6605 Collins Avenue), As More Particularly Described Herein; Providing That The City's Zoning Map Shall Be Amended To Include The North Beach Resort Historic District; Adopting The Designation Report Attached Hereto As Appendix "A"; Providing For Inclusion In The Land Development Regulations Of The City Code, Repealer, Severability, And An Effective Date. **2:00 p.m. Second Reading, Public Hearing.**

(Planning Department)
(Continued from February 4, 2004)

ACTION: Public Hearing held. **Item opened and continued.** Motion made by Vice-Mayor Smith to open and continue to March 17, 2004 at 5:01 p.m., and to bring it back with the companion item, Rooftop Addition; seconded by Commissioner Bower; Ballot vote: 7-0. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Report titled: North Beach Resort Historic District Designation Report (Appendix "A"), prepared by the City of Miami Beach Planning Department, Design, Preservation, & Neighborhood Planning Division, dated August 12, 2003
3. Color photos of "Examples of Rooftop additions in Miami Beach's Historic Districts"

5:08:34 p.m.**Supplemental Material:**

R5C Proposed Amendment To The Goals, Policies & Objectives And The Future Land Use Map Of The Comprehensive Plan.

An Ordinance **1)** Amending The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Category For A Parcel Of Unplatted Land Of Approximately 5.6 +/- Acres On Terminal Island, Located South Of The MacArthur Causeway, From The Current Land Use Category I-1, Light Industrial With A Floor Area Ratio (FAR) Of 1.0, To The Proposed Future Land Use Category Of "RM-PRD," Multifamily, Planned Residential Development With A Floor Area Ratio (FAR) Of 1.0; And **2)** Amending Part II: Goals, Objectives And Policies Of The City Of Miami Beach Comprehensive Plan, By Amending Policy 4.2 Of Objective 4 "Hurricane Evacuation," Of The Future Land Use Element; By Amending Policy 1.2 Of Objective 1: "Port Facility Expansion" Of The "Ports, Aviation And Related Facilities" Element; Amending Policy 9.2 Of Objective 9, "Density Limits," Of The "Conservation/Coastal Zone Management," Element, In Order To Allow The Requested Future Land Use Category For The Subject Property; Directing Transmittals Of This Ordinance And All Applicable Documents To Affected Agencies. **5:01 p.m. First Reading, Public Hearing.**

(Planning Department)
(Continued from December 10, 2003)

ACTION: Public Hearing held. Motion made by Commissioner Steinberg to open and continue to April 14, 2004 at 5:01 p.m.; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Commander Rich Murphy, Commanding Officer of Civil Engineering Unit – Coast Guard, stated that the Coast Guard is opposed to the continuance.

Jeffrey Bass, Law firm of Shubin & Bass, representing the Coast Guard, for the record, objected to the continuance.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Letter from James F. Silvers, to Jorge Gonzalez, City Manager, dated February 19, 2004, RE: Requesting the public hearing be opened and continued to April 14, 2004.
3. In the City Commission Agenda, Item R5C, is a letter from R. K. Murphy, United States Coast Guard, to Mayor Dermer, dated February 19, 2004, RE: The Coast Guard recommends against further continuances.

5:10:12 p.m.

Supplemental Materials:

R5D Proposed Amendment to Official Zoning District Map & Land Development Regulations. An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For A Parcel Of Unplatted Land Of Approximately 5.6 +/- Acres On Terminal Island, Located South Of The MacArthur Causeway From The Current I-1 Light Industrial, To The Proposed Zoning Classification RM-PRD3, Multifamily Planned Residential Development, With A Floor Area Ratio (FAR) Of 1.0; Amending Chapter 142 "Zoning Districts And Regulations," Amending Subdivision III. "RM-PRD Multifamily, Planned Residential Development District" By Adding Subdivision IIIB. "Development Regulations For RM-PRD3," Providing For Codification, Repealer, Severability, And An Effective Date. **5:01 p.m. First Reading, Public Hearing.**

(Planning Department)
(Continued from December 10, 2003)

ACTION: Public Hearing held. Motion made by Commissioner Steinberg to open and continue to April 14, 2004 at 5:01 p.m.; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Handout or Reference Materials:

See item R5C.

4:38:42 p.m.

R5E An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article IV, "Supplemental Yard Regulations," Division 4, "Allowable Encroachments," By Amending Section 142-1132 To Establish Revised Standards For The Installation Of Fences In Multi-Family Residential Districts; Providing For Repealer, Codification, Severability And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Ordinance approved on First Reading. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 6-0; Absent: Commissioner Garcia. Second Reading and Public Hearing scheduled for March 17, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

2:52:04 p.m.

R5F An Ordinance Amending The Land Development Regulations Of The Miami Beach City Code; Amending Chapter 142, "Zoning Districts And Regulations"; Amending Section 142-1161, "Height Regulation Exceptions"; Amending Section 142-1161(D), "Rooftop Additions" By Modifying The Prohibition Of Rooftop Additions Of More Than One Story In The North Beach Resort Historic District; Providing For Codification, Repealer, Severability, And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Ordinance approved on First Reading as amended by a replacement ordinance. Motion made by Vice-Mayor Smith; seconded by Commissioner Bower; Ballot vote: 6-0: Absent: Commissioner Cruz. Second Reading and Public Hearing scheduled for March 17, 2004 at 5:02 p.m. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Amendment:

It was noted in the record that the ordinance in the Commission Agenda was replaced with a revised ordinance recommended by the Historic Preservation Board. A copy of the replacement ordinance is available in the City Clerk's office.

Handout or Reference Materials

1. Copy of the replacement ordinance
2. Color photos of "Examples of Rooftop additions in Miami Beach's Historic Districts"

3:26:40 p.m.

R5G An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures," Article II, "Boards," Division 5, "Board Of Adjustment," Section 118-131, "Membership," Amending The Membership Of The Board Of Adjustment To Conform To The Recently Adopted Charter Amendment Expanding The Board From Five To Seven Regular Voting Members And Removing Ex-Officio Members From The Board; And Section 118-136, "Powers And Duties," Amending The Voting Requirement To Approve Matters Coming Before The Board From 4/5 To 5/7; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading**.
(Planning Department)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Steinberg; seconded by Commissioner Gross; Ballot vote: 7-0. Second Reading and Public Hearing scheduled for March 17, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Amendment:

The two new voting members will be at-large appointments.

Commissioner Gross recommended adding a resident category and a general business category in lieu of the financial planner and the engineering category.

Commissioner Steinberg suggested making two at large categories instead.

R6 - Commission Committee Reports

- R6A Verbal Report Of The Neighborhood/Community Affairs Committee Meeting Of February 17, 2004: **1)** Discussion Regarding Proposed Amendments To The Existing Debarment And Lobbying Ordinances; **2)** Discussion Regarding The Transfer Of Beach Patrol From The Parks Department To The Fire Department; **3)** Discussion Regarding Potential Enhancements To The Pine Tree Bark Park; And **4)** Discussion Regarding An Ordinance Amending Miami Beach City Code Chapter 2, Article III "Agencies, Boards And Committees," Section 2-22(5) Thereof Establishing Term Limits Of Board And Committee Members, By Providing That Said Term Limits Should Not Include Time Served As A Result Of Having Filled A Vacancy; Providing For Repealer, Severability, Codification, And An Effective Date.

ACTION: Not reached. Lilia Cardillo to place on the March 17, 2004 Consent Agenda.

R7 - Resolutions

11:05:34 a.m.

- R7A A Resolution Waiving By 5/7ths Vote, The Prohibition Of Tran Construction, Inc. From Serving As A Vendor With The City Pursuant To Miami Beach City Code Section 2-487 (B)(4); Provided The Aforestated Waiver Is Herein Granted, Awarding A Contract To The Lowest And Best Bidder, Tran Construction, Inc., In The Amount Of \$1,996,000 For The Base Bid, Add Alternate No. 1 And Add Alternate No. 4, Pursuant To Bid No. 10-03/04 For The ADA And Interior Renovations For The Jackie Gleason Theater Of The Performing Arts; And, Provided, In The Event That The Aforestated Waiver Is Herein Not Granted, Awarding A Contract To The Then Lowest And Best Bidder, Miami Skyline, In The Amount Of \$1,975,000 For The Base Bid And Add Alternate No. 1 Only. **10:45 a.m. Public Hearing.** (Capital Improvement Projects)

ACTION: Public Hearing held. **Resolution No. 2004-25503 adopted as amended.** Motion made by Commissioner Steinberg to award the base bid and Alternate #1 to the number 2 bidder Miami Skyline, Inc., and direct the Administration to negotiate Alternate #4 with Miami Skyline or utilize the City's Job Order Contracting (JOC) program; seconded by Commissioner Gross; Voice vote: 6-0; Abstained: Commissioner Cruz. Tim Hemstreet to handle.

Amendment:

Award the base bid and Alternate #1 to the number 2 bidder Miami Skyline, Inc., and direct the Administration to negotiate Alternate #4 with Miami Skyline or utilize the City's Job Order Contracting (JOC) program.

Jorge Gonzalez, City Manager, introduced the item and stated that the Administration's recommendation is that if the City Commission has the ability to waive the requirements of the ordinance then the Commission should do so and go with the lowest bid. If it can't be waived, because of the timing due to the schedule at the Gleason, the Administration's recommendation is to award to the lowest bidder, forgo alternate #4 and direct the Administration to negotiate at a later date or try to get it as a change order.

Commissioner Cruz recused himself since this group contributed to his election campaign.

Murray Dubbin, City Attorney, stated that the lowest bidder made a campaign contribution to a candidate that won the election. The applicable portion of the vendor campaign contribution ordinance Sec. 2-487(3), disqualifies, for a period of 12 months after the candidate is sworn in, someone from becoming a vendor. The ordinance is flawed because there is language in the ordinance if you construe it literally, it has no meaning. The provision may be waived under four circumstances under Sub Section B, titled "conditions for waiver of prohibition." He explained that the first three conditions have no application to the present circumstance. The condition, which if applicable, would authorize this Commission to waive the contribution situation, is condition #4. This condition authorizes the Commission to waive the conflict (by a 5/7 vote) "a contract for the provision of goods, equipment or services exist which, if terminated by

the City would be adverse to the best economic interest of the City." Thus, the City Commission has the authority to waive termination of a contract that exists in violation of the City Code. The problem with that language is that there is nothing in the Code that authorizes the City Commission to terminate an existing contract. He explained that Sub Section C, provides that "This section shall be applicable only to prospective transactions, and the City Commission may in no case ratify a transaction entered into in violation of this section." The contract that we are talking about is a prospective contract. He stated considering the ordinance as a whole, that in his opinion, the City Commission has the authority to waive the applicability apparent conflict.

Mayor Dermer stated that based on the City Attorney's legal opinion, the City Commission has a right to take a 5/7 waiver vote and a political decision needs to be made to see if the City Commission wants to do it.

Murray Dubbin, City Attorney, added that the entity under the law which has the final authority to interpret ordinances is the entity which created the ordinances which is the City Commission. The City Commission may make its own decision based on the recommendation of the City Attorney, and has made the recommendation, but the City Commission does not have to follow that recommendation. He stated that the introducer of the ordinance disagrees with his interpretation.

Vice-Mayor Smith stated that he was the proponent of this ordinance and has insight as to the intent and the meaning of the language. He explained that one of the first things learned in law school is the principal of "statutory construction; that is what is the plain meaning of the ordinance. He added that the rule is that when the plain meaning of legislation is in front of you, you apply the plain meaning of what the ordinance or statute says, and only if you have an ambiguity in the legislation you go into legislative intent, which is what the body meant when they passed the ordinance. He stated that the language of this ordinance is very clear and clarified that this company is already an existing vendor of the City and should have known better. He explained that the RFP had a prominent statement regarding this particular prohibition. A mechanism was created by which the City Commission could waive this requirement in very narrow and specific circumstances and provision #4, which the City Attorney mentioned, states very clearly that it authorizes the Commission to waive by a 5/7 vote a contract for the provision of goods, equipment or services that exist, which if terminated by the City will be adverse to the best economic interest of the City. He emphasized that no contract presently exists; therefore, this narrow exception does not apply to this particular circumstance. He agreed that this ordinance does not authorize the City to terminate an existing contract, but that others such as the Debarment Ordinance gives the City the authority to terminate a contract in the event the vendor violates any of the laws. He stated that in his opinion and after considering all the facts mentioned he will argue against granting the waiver even if the City has the authority. It is important to send the message that our City ordinances have to be followed. He requested the Commission to authorize the Administration to negotiate with the second bidder and try to have the bids reduced, so these important improvements to TOPA can be implemented as soon as possible.

Commissioner Steinberg agreed with Vice-Mayor Smith stating that he has the same concerns and wholeheartedly supports it.

Commissioner Garcia stated that the City Commission needs to enforce the ordinance and suggested rejecting all the bids and starting all over again.

Jorge Gonzalez, City Manager, stated that the difference in price between the two bidders is about \$280,000. The issue is that there is a time constraint, since this project needs to be completed between performances at the Jackie Gleason.

Commissioner Gross commended Vice-Mayor Smith on his eloquent presentation. He stated that this is a great message to send to the vendors that if they want to do business with the City, they should not contribute to any campaign or they will not be able to do business with the City for 12 months. He stated that for this reason alone it would be a great message to send and he supports that decision. He

requested clarification on the difference on the bids from the first time to the second time.

Jorge Gonzalez, City Manager, stated that the base bid came in slightly lower consistently among the bidders who bid both times. That may be because the second bid moved some of the base bid requirements to add/alternates. The first bid, lowest bid was \$1.583 million. The lower bidder now is \$1.996 or a difference of about \$400,000.

Commissioner Gross stated that add/alternate 4 appears to be substantially impacting the price. He suggested taking the base bid and not the add/alternate 4 and look for someone else to do add/alternate 4.

Kevin Taylor, Attorney for Tran Construction Inc., spoke.

Mayor Dermer stated that he agrees with Vice-Mayor Smith's interpretation of the ordinance, and he believes logic dictates that Tran Construction Inc. did not want to be in this position. He stated that there was no intention here, it was just a mistake. He added that if the City interprets this ordinance as allowing the City to issue a waiver, we are basically gutting a very important ordinance to the City because there will be a precedent that will allow that for the future. He believes this is a good ordinance and commended Vice-Mayor Smith for introducing it.

Maria Dono, Vice-President of Operation of Miami Skyline Inc., spoke.

Mayor Dermer asked for a motion to conduct a waiver hearing; since there is no motion, it dies. It is clear that there should not be a wavier provision in this instance.

Jorge Gonzalez, City Manager, recommended that the contract be awarded to the now lowest bidder Miami Skyline Inc; base bid and alternate #1, and direct the Administration to negotiate Alternate #4 with Miami Skyline or utilize the City's Job Order Contracting (JOC) program.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Form 8B filed by Commissioner Cruz

5:11:22 p.m.

R7B A Resolution Approving The Creation Of Restricted Residential Parking Permit Zone 12/Upper West Avenue (13th Street To Dade Boulevard Canal). **5:01 p.m. Public Hearing.**
(Parking Department)

ACTION: Public Hearing held. **Resolution No. 2004-25504 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Garcia. Saul Frances to handle.

Saul Frances, Parking Department Director, introduced the item.

Commissioner Bower is in favor of maintaining the meters in the residential zone valid from 6:00 p.m. to 7:00 a.m. Monday through Friday and 24 hours per day Saturdays, Sundays and holidays.

Arthur Marcos, representing Lincoln West Neighbors Association, spoke.
Evan Brandis, student from The University of Miami, spoke.

Commissioner Steinberg asked about the status of the residential parking study between Ocean Drive and Collins Avenue and requested the analysis be made three to four months after its implementation, to find out whether or not parking is been underutilized and to make sure that residential permits are allowed to be used at the meters. **Saul Frances to handle.**

Saul Frances, Parking Department Director, stated that the data collection has just been completed for the Ocean Drive and Collins Avenue areas and a workshop will be held with Zone 5 and the Ocean Drive Zone in the near future.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

4:41:47 p.m.

R7C A Resolution Approving The City's 2004-2005 Federal Legislative Agenda.
(Economic Development)

ACTION: Resolution No. 2004-25505 adopted. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Christina Cuervo to handle.

Kevin Crowder, Economic Development Director, spoke.

Commissioner Bower requested to add Senior Citizens Centers.

Kevin Crowder stated that in the list of priorities under Housing and Urban Development a clarification can be added.

Vice-Mayor Smith stated that on the issue of canals cleanup, there were recommendations from Representative Kendric Meek's office that this could probably be accomplished administratively by going directly to the Corp of Engineers in Jacksonville. Perhaps it could be included as part of the cleanup of the Miami River. Vice-Mayor Smith recommended that the City try to piggyback off of the Miami River cleanup project. **Fred Beckmann to handle.**

City Clerk's Note: See item C7F.

11:38:56 a.m.

R7D Concession Agreement With Penrod Brothers, Inc.

1. A Resolution Waiving, By 5/7ths Vote, The Competitive Bidding Requirement, Finding Such

Waiver To Be In The Best Interest Of The City, And Authorizing The Mayor And City Clerk To Execute A Concession Agreement By And Between The City Of Miami Beach And Penrod Brothers, Inc., For The Management And Operation Of A Concession In That Portion Of Pier Park Seaward Of The Footprint Of The Penrod's Restaurant, Located At One Ocean Drive, Miami Beach, Florida; Said Agreement Having An Initial Term Of Two (2) Years, Seven (7) Months And Six (6) Days, Commencing Retroactively On October 1, 2003, And Expiring On May 6, 2006, With An Option To Renew To Run Concurrently With The Term Of That Certain Lease Agreement Entitled, "Lease Agreement Between The City Of Miami Beach And Penrod Brothers, Inc. For A Pier Park Restaurant Facility"; Provided Further That Said Concession Agreement Is Terminable By The City Without Cause And For Convenience, Upon 180 Days Written Notice To Penrod's.

ACTION: Resolution No. 2004-25506 adopted Concession Agreement as amended. Motion made by Commissioner Bower to approve the Concession Agreement including Commissioner Steinberg's amendments to the Concession Agreement; seconded by Vice-Mayor Smith; Voice vote: 5-1; Opposed: Commissioner Cruz; Absent: Commissioner Garcia. Joe Damien to handle.

Item presented by Joe Damien, Asset Management.

Concession Agreement Amendment:

See Commission Memorandum from Jorge Gonzalez, City Manager, to Mayor Dermer and Members of the City Commission, dated February 25, 2004, RE: Response to Commissioner Steinberg's issues relating to Penrod's Concession Agreement. 1) Opening time for concession; 2) Time limit for additional investment in the park; and 3) In the event of litigation both parties agree that the prevailing party shall be entitled to recover from the other party all costs and expenses of such litigation.

Joe Damien, Officer of Asset Management, presented the item.

Frank Del Vecchio spoke.

Raul Aguila, Assistant City Attorney, spoke about the legal opinion which is printed in the Commission Agenda.

Commissioner Cruz stated that he is not comfortable getting only 6.5% when the City is waiving a competitive bid process.

Commissioner Gross stated that the question of why the City is not getting the same revenue as it is from the Boucher Brothers on their concession is fair, and added that perhaps the reason is because this concession is west of the dunes and most of the customers are east of the dunes.

Commissioner Smith asked about the percentage rate increase.

Jorge Gonzalez, City Manager, stated that to eliminate the need to get into an accounting nightmare by having to determine where a drink or food was sold, either in the restaurant or the outside area, a blended average percentage is recommended. In order to accomplish the blended percentage rate, the percentage rate in the restaurant was increased for 3% to 6.5%. In addition Penrod's will be making a \$500,000 contribution to capital improvements and close to \$800,000, \$400,000 will be cash payments to the City and an additional \$400,000 will be invested in park improvements.

Vice-Mayor Smith and Commissioner Gross expressed concern about the issue of selling food east of the dunes at a rate of 15% and if the food comes from the building the percentage rate would be 6.5% and asked that this be clarified.

For the record, Jack Penrod agreed that if food is sold east of the dune, regardless of whether it comes from the building or a trailer, it will be at a rate of 15%.

Commissioner Gross stated, for the record, that the agreement can be terminated with 180-days notice.

Handout or Reference Materials

1. Commission Memorandum from Jorge Gonzalez, City Manager, to Mayor Dermer and Members of the City Commission, dated February 25, 2004, RE: Response to Commissioner Steinberg's issues relating to Penrod's Concession Agreement.

12:17:37 p.m.

2. A Resolution Authorizing The Mayor And City Clerk To Execute A Third Amendment To That Certain Lease Agreement Entitled, "Lease Agreement Between The City Of Miami Beach And Penrod Brothers, Inc. For A Pier Park Restaurant Facility," For Use Of The Property Located At One Ocean Drive, Miami Beach, Florida; Said Third Amendment Increasing The Percentage Rent Due To The City And Correcting Scrivener's Errors In Exhibits "A" (Site Plan) And "B" (Legal Description) To The Agreement.

(Economic Development)

ACTION: Resolution No. 2004-25507 adopted. Motion made by Commissioner Bower; seconded by Vice-Mayor Smith; Voice vote: 6-0; Absent: Commissioner Garcia. Joe Damien to handle.

Joe Damien explained the amendment.

3:34:24 p.m.

- R7E A Resolution Approving The Schematic Design Concept For The Citywide Wayfinding Signage Project.
(City Manager's Office)

ACTION: Resolution No. 2004-25508 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Cruz; Voice vote: 6-0; Absent: Commissioner Garcia. Christina Cuervo to handle.

John Bosio, with Hillier Group showed a PowerPoint presentation.

Handout or Reference Materials:

1. Color photo of signage – Revised Design B

5:22:13 p.m.**SUPPLEMENTAL MATERIALS:**

R7F A Resolution Relative To A Proposed Settlement Agreement Of The Litigation With East Coastline Development, LTD., And Other Portofino-Related Entities, And Involving The Related Group Of Florida And/Or Other Related Entities, And Involving The Development Of Properties Known As The Alaska Parcel, Goodman Terrace And Hinson Parcels, And Blocks 1, 51 And 52 In The South Pointe Area Of Miami Beach.

(City Attorney's Office)

(Memorandum and Resolution to be Submitted in Supplemental)

ACTION: Resolution No. 2004-25509 adopted. The Settlement Agreement was amended. Motion made by Commissioner Gross; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Garcia. Christina Cuervo to handle.

Settlement Agreement Amendments:

1. 1.e: Add to end of sentence: , subject to concept plan
2. 1.l: Add l: Height at 270 feet and if concept plan allows, height may be increased to 300 feet.
3. Regarding the Baywalk/Boat Basin add "parties will evaluate the navigability of the boat basin."

Second Motion:

Motion made by Commissioner Steinberg to waive the competitive bidding for Alex Cooper, from Cooper Robertson; seconded by Vice-Mayor Smith; Voice vote 6-0; Absent: Commissioner Garcia. **Christina Cuervo to handle.**

Commissioner Gross summarized the terms of the proposed Settlement Agreement. He stated that having participated in the settlement discussion, he feels it is the best deal the City can make. Given that there is a trial scheduled for March 8, now is the time to decide whether to litigate or settle. He recommended that the City settle.

Mayor Dermer acknowledged Commissioner Gross' hard work on this settlement negotiation and commended him for his presentation along with Vice-Mayor Smith.

Mayor Dermer stated that there is the proviso that anything said at this meeting is an extension of mediation talks and to be held in confidence if we are not going to settle. Mayor Dermer stated to let the record reflect that counsel (Matt Gorson) is nodding "yes."

Commissioner Gross requested that the developer confirm to the City if the Settlement Agreement which he outlined is acceptable to them.

Tom Daly, Related representative, and Matt Gorson, on behalf of Thomas Kramer, both confirmed that they agree to the Settlement Agreement as outlined.

Dan Paul, Outside Counsel for the City of Miami Beach, stated that he has been involved with this project since the beginning. He stated that this is a very advantageous settlement since this is a very strange suit. If the City wins the litigation, the City still loses because there is no way to get the acreage of the Alaska parcel. Acquiring the Alaska parcel is what should be driving this settlement. He feels very satisfied that this is a favorable solution. He strongly urged the City Commission to approve this settlement.

Richard Ovelmen, Outside Counsel with Dan Paul, seconded what was said. He stated that this is a terrific settlement for the City. It is something that could not be won in the litigation because there is no way in the litigation to win park land for the City and the Alaska parcel. If the City were to lose the case, although he stated that he didn't think he would, it would be a huge amount of FAR on the Alaska parcel and if they won on the Federal Claim, the City would have to pay their attorney's fees and the City's attorney fees and the other litigations would still go forward on the Burt Harris claims on the other parcels. If the City wins the case, it would only mean that they cannot do anything with the Alaska parcel.

The City does not get the park land, and they can build a tower which is virtually the same as what the settlement calls for.

Dan Paul, Outside Counsel for the City, gave an overview of the past litigation regarding this property and the \$25 million judgment.

Frank Del Vecchio spoke.

Josh Fisher, Vice President of the Murano/Portfino Association, spoke.

Peter Canalano, resident of Portofino Tower, spoke.

James Valentine spoke.

Kent Harrison Robbins, Attorney for the Portofino Tower Condominium Association, spoke

Tom Ogglin, resident of Portofino Tower, spoke.

Tom Daly spoke.

Juan Covian spoke.

Max Ramos spoke.

Erika Brigham spoke.

Mark Needle spoke.

Commissioner Gross stated that a sentence could be added to the concept plan to include that the plans will discuss the basin and any navigational issues.

Bea Kalstein spoke.

Ilona Wiss spoke.

Christina LaBuzetta spoke.

Ruth Remington spoke.

Mike Robinson spoke.

Commissioner Gross recognized Christina Cuervo, Assistant City Manager, Jorge Gomez, Planning Director, Jorge Gonzalez, City Manager, Murray Dubbin, City Attorney, Gary Held, First Assistant City Attorney, and the City's Outside Counsel team.

Matt Gorson, Attorney for Portofino and Related stated that the ground level retail should not necessarily be a requirement if the community and planners don't want it and asked for that flexibility.

Motion made by Commissioner Steinberg to waive the competitive bidding for Alex Cooper, from Cooper Robertson; seconded by Vice-Mayor Smith; Voice vote 6-0; Absent: Commissioner Garcia. Christina Cuervo to handle.

Handout or Reference Materials:

1. Document titled: "Proposed Settlement Agreement RE "Alaska Parcel" Litigation" submitted by Frank Del

Prepared by the City Clerk's Office

Page No. 28

C:\Documents and Settings\compgarj\Local Settings\Temporary Internet Files\OLK87\aa040225.doc

Vecchio

2. Copy of the Proposed Settlement Agreement as presented to the City Commission at the Commission meeting.
3. Copy of the resolution

R9 - New Business and Commission Requests

R9A Board And Committee Appointments.
(City Clerk's Office)

Board of Adjustment:

3:32:52 p.m.

Motion made by Mayor Dermer to nominate Herbert Gopman to the Board of Adjustment in the Engineer category; seconded by Commissioner Bower; Voice vote: 5-0; Absent: Vice-Mayor Smith and Commissioner Cruz.

Historic Preservation Board:

3:35:17 p.m.

Motion made by Commissioner Gross to appoint Carie Penabed to the Historic Preservation Board in the Professor category; seconded by Commissioner Bower; Voice vote: 7-0.

Convention Center Advisory Board:

Norman Litz Term expires 12/31/05

Appointed by Commissioner Smith TL 12/05

Convention Center Capital Projects Oversight Committee:

Jack Hartley Term expires 12/31/05

Appointed by Commissioner Garcia TL12/07

Leon Manne Term expires 12/31/05

Appointed by Commissioner Smith TL 12/08

Committee on the Homeless:

Marjorie York Term expires 12/31/05

Appointed by Commissioner Bower TL 12/05

Fine Arts Board:

Robert Glick Term expires 12/31/04

Appointed by Commissioner Steinberg TL 12/11

Anthony Japour Term expires 12/31/05

Appointed by Commissioner Garcia TL 12/11

Golf Advisory Committee:

Linda Leibovici Term expires 12/31/05

Appointed by Mayor Dermer TL 12/09

Lee Teichner Term expires 12/31/05

Appointed by Commissioner Smith TL 12/08

Hispanic Affairs Committee:

Luis Govantes Term expires 12/31/09

Appointed by Commissioner Garcia TL 12/05

2:33:40 p.m.

Joe Fontana spoke, as the Chairman of the North Beach Youth Center Oversight Committee, on the beautiful recreational facility on North Beach. He stated that as Chairman he was asked to reach into the private sector to raise money for the various rooms in the Youth Center. He stated that several donations have been made by the private sector particularly the Nautilus Group and the Stonecutter Group, who have donated \$15,000 worth of exercise equipment. Norman Braman from the Braman Family Foundation donated \$12,500 to equip the game room. He continued to advise that he recently asked a Miami Beach resident, Hank Sopher, to help purchase equipment for the computer room. Mr. Sopher offered to donate \$15,000. In the past a thank you letter was sent to the donor signed by the

City Manager and himself. Two weeks ago, Assistant City Manager Middaugh informed him that the City Manager would not sign or accept the \$15,000. He was told that a couple of Commissioners may be "ticklish" about this individual donating money. He stated the donations should not be politicized.

Jorge Gonzalez, City Manager, explained that donations were suppose to be checked first, to see if it is an appropriate request; and in this case, that did not occur. This donation did not abide by the agreement which was made and therefore he was not interested in pursuing it. What was done changed the rules which were established and that was wrong.

Mayor Dermer stated that he does not feel that there is anything wrong with this donation as long as there is not a request for recognition different from any other donor.

Commissioner Cruz stated that he has no problem accepting a donation from Mr. Sopher.

Jorge Gonzalez, City Manager, stated that they had agreed that Mr. Fontana was supposed to ask him first if it was okay to seek donations, and Mr. Fontana never asked him about seeking a donation from Mr. Sopher.

Mayor Dermer stated that on behalf of the City Commission, Commissioner Cruz volunteered to sign the letter.

Minnette Benson, speaking as an individual member of the Transportation and Parking Committee and not on behalf of, stated that the November 9, 2003 study review by the Transportation and Parking Committee declined to support it. She stated that Mr. Beckmann promised that when the report from FDOT was completed, there would be a meeting for the impacted communities; now she has been told that it has been canceled. She stated that she feels that it is the responsibility of the Commission to revisit holding community meetings to allow for concerns to be voiced.

4:19:13 p.m.

R9B Discussion Regarding Giving Consulates Stationed In Miami-Dade County Parking Permits.
(Requested By Commissioner Simon Cruz)
(Deferred from February 4, 2004)

ACTION: Discussion held and denied.

4:24:46 p.m.

R9C Discussion/Report Regarding The Effectiveness Of Homeless Initiative.
(Requested by Commissioner Saul Gross)

ACTION: Discussion held. The issue of the cost to maintain the services to the end of the year is approximately \$250,000 and is referred to the Finance and Citywide Projects Committee for further discussion. Patricia Walker to place on the agenda. Vivian Guzman to handle.

Jorge Gonzalez, City Manager, informed the Commission that this item is a follow up from the discussions at the budget workshop in September regarding homeless initiatives and how the City is combating the growth in that population. \$250,000 were allocated from Resort Tax to begin aggressive initiatives on all fronts, and the Administration was directed to come back in 90 days to report the success in that effort and to report potential additional allocations in order to continue providing services. Since the new initiative was adopted on all fronts, the City has been successful through relocation, placement and contact efforts, with the Homeless Outreach, Police Department, Sanitation and Public Work to reclaim areas used. There are additional funding issues required to sustain thee efforts within one more year.

Commissioner Gross stated that there we some additional funds allocated which will be depleting soon, but added that some of the relocations have been very successful in reuniting homeless individuals with

their families. Commissioner Gross asked when the census would be taken to measure the success of this initiative.

Vivian Guzman, Neighborhood Services Department Director, stated that the census is conducted during one night, twice a year, in November and in April. She added that a second Outreach Team has been funded through HUD funding and that the trend to be seen is a more permanent supportive housing, as part of the national ten-year plan to end homelessness.

Vice-Mayor Smith stated that he has noticed fewer homeless people at Lummus Park, on Lincoln Road, although Washington Avenue and some other areas are still a problem, but overall it is better and he urged Administration to continue the initiative.

Jorge Gonzalez, City Manager, recommended sustaining this initiative for at least 18 months. He explained that this initiative is a collaborative effort between the Police, Neighborhood Services, Sanitation, and Public Works Departments. In the past, services were provided to the homeless and they were moved along if they did not accept shelter beds, but the area still looked like a homeless encampment, and that did not fix the problem. At the present time, Sanitation cleans up the area after the individuals are moved; and the City is reclaiming the area.

Commissioner Bower requested that the area at Council Towers North, 1040 Collins Avenue, be checked every now and then, since the residents had been fearful with homeless problems. **Chief De Lucca to handle.**

Commissioner Cruz stated that as long as there is police enforcement there is improvement, but once the police enforcement stops the problem returns and the Administration needs to devise a plan that is sustainable.

Jorge Gonzalez, City Manager, stated that it is important to maintain efforts as long as possible, and through the infusion of RDA monies to the Police Department, more officers will be available, but it is going to take more than 60 to 90 days to correct.

City Clerk's note: Attached to this Agenda item is LTC 045-2004 – Quality of Life and Homeless Outreach Initiative. In addition there is a Report titled: Homeless Services: A Progress Report on Homeless Outreach Efforts – October 2003 – January 2004

3:53:50 p.m.

R9D Discussion Regarding Amending The City's 2004 State Legislative Agenda To Include An Item That Supports Legislation That Designates A State Road In Miami Beach As "Miami Beach All America City Boulevard."

(Economic Development)

ACTION: Discussion held and denied.

10:31:40 a.m.

R9E Discussion Regarding Additional Criteria Be Added To Existing City's Human Rights Ordinance.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Discussion held. Motion made by Commissioner Garcia to refer to the Neighborhood/Community Affairs Committee. Item referred by acclamation of the City Commission. Vivian Guzman to place on the Agenda.

City Clerk's Note: Included with this item is a letter from Heddy Pena, Executive Director, SAVE Dade.

R9F Discussion Regarding Club Madonna.
(Requested by Commissioner Simon Cruz)

ACTION: Item withdrawn.

City Clerk's note: 2nd Reading and public hearing on the ordinance is scheduled for March 17 at 10:30 a.m.

3:58:02 p.m.

R9G Discussion Regarding Designating Miami Beach As A National Heritage City.
(Requested by Commissioner Simon Cruz)

ACTION: Discussion held.

Commissioner Cruz explained that within the Department of Interior of the United States Parks Department, there is a designation as "National Heritage City" and there are only a couple of cities in the country with this designation. The benefit of this designation is that there is a \$10 million grant as part of the designation during a period of 10 to 15 years. This helps the City catalog all the historic buildings and places of interest. He stated that he found out about this on a trip to Washington when he introduced Cathy Left of the Wolfsonian to the City's Washington lobbyists to help them raise funds, and the outcome of that visit was that they were able to raise \$375,000 in grants. He stated that he went back to Washington this past January and met with the Department of Interior/National Heritage Division, and all it takes is an application on behalf of the City confirming that they want to be designated. The application can cost \$100,000 to \$150,000 in order to prepare a package to be presented to them. It also requires input from government, the private sector, the residents and other stake holders in the community. If the City is awarded the designation, it helps to catalog their buildings, and also helps the private entities such as the Wolfsonian to catalog their collection. He stated that the Wolfsonian is a jewel in this community and all of their resources are not available because they do not have the funds to catalog their entire collection.

Vice-Mayor Smith stated that it is a great idea and it is on the legislative agenda. He added that it is a worthy project and he thinks the City qualifies. He commended Commissioner Cruz for bringing this item forward.

Commissioner Bower stated that she would like to see Miami Design Preservation League (MDPL) included.

Commissioner Cruz stated that there needs to be community involvement at all levels, the City, the Wolfsonian, the Bass Museum, MDPL and the City.

Jorge Gonzalez, City Manager, stated that the Administration will research and develop an appropriate charge/mission for a committee, give some suggestions on categories for appointments to the committee, and develop a plan of action. **Kevin Crowder to handle.**

Mayor Dermer also stated that if the Administration is in negotiations with the Greater Miami Convention and Visitors Bureau to explain to them the importance of this designation.

Jorge Gonzalez, City Manager, stated that he will start the financial discussions with the Bureau.

3:13:52 p.m.

R9H Discussion Regarding Resolution Opposing Senate Bill 2000 Which Would Weaken The Florida Kidcare Program That Provides Affordable Low Cost Health Insurance For The Uninsured Children Of Florida.
(Requested by Commissioner Richard L. Steinberg)

ACTION: Discussion held. **Resolution No. 2004-25510 adopted as amended.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. **Kevin Crowder to transmit the Resolution.**

Amendment:

1. First Whereas "...or whose insurance is too ~~expense~~ expensive for family budgets; and "

Commissioner Steinberg introduced the item.

State Representative Dan Gelber spoke.

Handout or Reference Materials:

1. Copy of the amended Resolution

R9I Discussion Regarding Implementing A Trust Fund To Help The Family In Financial Distress Of Late Co-Worker Joseph Johnson.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Item not reached. Lilia Cardillo to place on March 17 agenda.

R10 - City Attorney Reports**R10A Notice Of Closed Executive Session.**

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On February 25, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Pending Litigation On The Following Cases:

West Side Partners, Ltd., A Florida Limited Partnership; East Coastline Development, Ltd., A Florida Limited Partnership; 404 Investments, Ltd., A Florida Limited Partnership; Azure Coast Development, Ltd., A Florida Limited Partnership; Beachwalk Development Corporation, A Florida Corporation; Portofino Real Estate Fund, Ltd., A Florida Limited Partnership; St. Tropez Real Estate Fund, Ltd., A Florida Limited Partnership; And Sun & Fun, Inc., A Florida Corporation, Vs. City Of Miami Beach, A Florida Municipal Corporation. Eleventh Judicial Circuit, General Jurisdiction, Case No. 98-13274 CA-30.

East Coastline Development, Ltd., A Florida Limited Partnership Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-26231 CA 32 (Removed To US Dist. Court, So. Dist. Of Fla. Case No. 01-4921 CIV-MORENO)

East Coastline Development, Ltd., A Florida Limited Partnership, And Catherine F. Colonnese, A Registered Voter In The City Of Miami Beach, Florida, Vs. City Of Miami Beach, A Florida Municipal Corporation. Circuit Court Of The Eleventh Judicial Circuit Of Florida, General Jurisdiction Division, Case No. 01-25812 CA 30 (On Appeal In Third District Court Of Appeal Case No. 3DO1-3350)

East Coastline Development, Ltd Vs. City Of Miami Beach And The State Of Florida, Department Of Community Affairs. State Of Florida, Division Of Administrative Hearing Case No. 02-3283

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald M. Papy, First Assistant City Attorney Debora Turner, First Assistant City Attorney Gary Held, Special Counsels Richard Ovelmen And Dan Paul.

ACTION: Announced and held.

R10B Notice Of Closed Executive Session.

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On February 25, 2004 In The City Manager's Large Conference Room, Fourth Floor, City Hall, To Discuss Settlement On The Following Cases:

Da Mortgage, Inc., A Florida Corporation; 136 Collins Avenue, L.C.; A Florida Corporation Vs. City Of Miami Beach, A Florida Municipal Corporation; And Miami Dade County. United States District Court, Southern District, Miami Division, Case No. 03-20684 CIV-Martinez/Dube

136 Collins Avenue, L.C.; And Roman Jones Vs. City Of Miami Beach, A Florida Municipal Corporation. Third District Court Of Appeals, Case No. 3D03-3154, L.T. Case No. 03-15647 CA 31

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorney Debora J. Turner And Assistant City Attorney Roberto Datorre.

ACTION: Announced and held.

Reports and Informational Items

- A City Attorney's Status Report.
(City Attorney's Office)
ACTION: Written report submitted.
- B Parking Status Report.
(Parking Department)
ACTION: Written report submitted.
- C Non-City Entities Represented By City Commission:
1. Minutes For The January 23, 2004 Meeting Of The Miami-Dade County Homeless Trust Board.
(Requested by Commissioner Richard L. Steinberg)
ACTION: Written report submitted.
 2. Minutes For The January 14, 2004 Performing Arts Center Trust (PACT) Construction Committee Meeting; January 15, 2004 PACT Board Meeting; Construction Progress Report For February 3, 2004; And Agenda For The Upcoming February 10, 2004 PACT Board Meeting.
(Requested by Commissioner Matti Herrera Bower)
ACTION: Written report submitted.
 3. Minutes For The November 13, 2003 Tourism Development Council Panel Meeting And Agenda For The Upcoming February 18, 2004 Tourism Development Council Subcommittee Meeting.
(Requested by Commissioner Matti Herrera Bower)
ACTION: Written report submitted.

Meeting adjourned at 7:7:10 p.m.

There were no RDA items for this meeting.

End of Regular Agenda